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June 28, 2023

VIA DNJ ECF

Hon. Leda Dunn Wettre

United States District Court for the District of New Jersey

Martin Luther King Building & U.S. Courthouse

50 Walnut Street

Newark, N.J. 07101

Re: *Sawhney v. Chubb Insurance Company of New Jersey*

Docket No. 2:21-cv-14675-KSH-LDW

Your Honor:

This firm represents the plaintiffs in the above referenced insurance coverage litigation. This letter is in response to defense counsel's letter application to the court (doc. 72) filed on Saturday June 24, 2023 asking for more briefing on defendant's subpoena of plaintiffs' consultant, Simon Parkes (doc. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 Nov/Dec 2022).

This subpoena of a consultant issue has been briefed twice by the parties including a sur-reply by Chubb and oral argument heard by the court on December 6, 2022. Chubb requested supplemental briefing at oral argument and the court stated that it will address the issue if necessary after mediation. At this time, we are trying to complete depositions as stipulated by the parties and ordered by the court in February, 2023. Plaintiffs depositions were completed in May as ordered but all three witnesses represented by counsel for Chubb requested and received adjournments and completing those depositions should be the priority of the parties' limited resources. Those depositions are scheduled for June 29, July 6 and July 11. There is a court-ordered conference scheduled for July 13. There are also two other applications by Chubb pending before the court. Plaintiffs respectfully suggest that the parties focus on completing the court-ordered depositions and not get distracted by a third briefing for the subpoena issue. Plaintiffs respectfully further suggest that this request by Chubb be addressed at the conference on July 13. Please note that the parties stipulated in the joint scheduling plan on April 1, 2022 (doc 23) that Your Honor handle the trial of this matter rather than Judge Hayden.

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Thank you for your time and consideration.

Respectfully submitted,

Richard A. Fogel

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cc: Cynthia Bernstiel, Esq., George McClellan by ECF